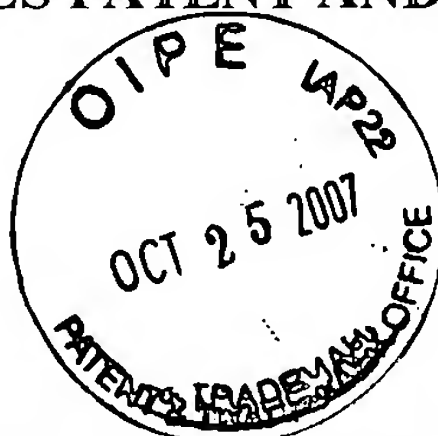




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Appl. No. : 10/603,581

Confirmation No. 4880

Applicants : Gould et al.

Title: METHOD AND STORAGE DEVICE FOR EXPANDING AND
CONTRACTING CONTINUOUS PLAY MEDIA SEAMLESSLY

Filed : 24 June 2003

TC/A.U. : 2157

Examiner : Meky, Moustafa M

Docket No. : MNKYP004B

Customer No. : 37141 & 58417

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. 1.137(b)

Commissioner:

Applicants respectfully request that the above referenced patent application be revived as provide for under 37 C.F.R. §1.137(b). Included with this Petition are a Reply to the outstanding non-final Office Action dated June 15, 2006 and a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

The fees associated with this Petition are being paid concurrently with this filing.

RESPECTFULLY SUBMITTED,

HEINZ GREETHER PC

By

Heinz D. Grether

Reg. No.: 34,611

Tel.: 512-750-5847

hgrether@g2techlaw.com

25 October 2007

Date

10/29/2007 HVUONG1 00000016 10603581

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TERMINAL DISCLAIMER

Page 2

Atty. Docket No.: MNKYP004B
Customer ID No.: 3714158417
Appl. No.: US10/603,581

competent jurisdiction is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

At terminal disclaimer fee under 37 CFR §1.20(d) is submitted herewith.

The undersigned is

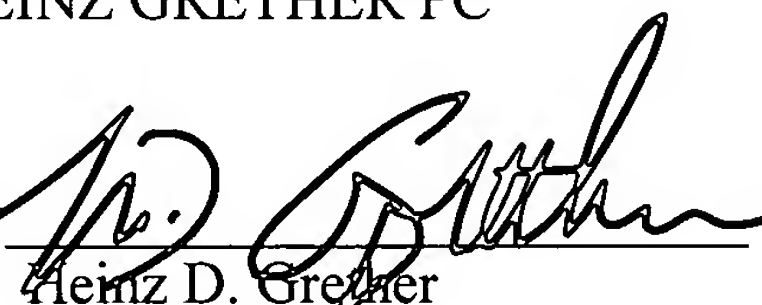
- ☒ an attorney of record
- ☐ the owner
- ☐ an authorized representative of the owner as supported by the Attached Statement Under 37 CFR 3.73(b).

RESPECTFULLY SUBMITTED,

HEINZ GREETHER PC

Date: 25 October 2007

By



Heinz D. Grether

Reg. No. 34,671

512-389-3821

512-750.5847

hgrether@G2TechLaw.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/603,581 Confirmation No. 4880
Applicants : Gould et al.
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Examiner : Meky, Moustafa M
Docket No. : MNKYP004B
Customer No. : 37141 & 58417

STATEMENT UNDER 37 C.F.R. 1.137(b)

Sir:

I, Heinz D. Grether, state that it is my knowledge and belief that the entire delay in filing the required reply from the due date until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The office action in question appears to have been sent to the wrong address. A copy of the change of power of attorney filed in April 2005 is attached as well as a copy of the June 15, 2006 office action. If the director has any questions concerning this Statement or requires any additional information, please contact me at the telephone number or address below.

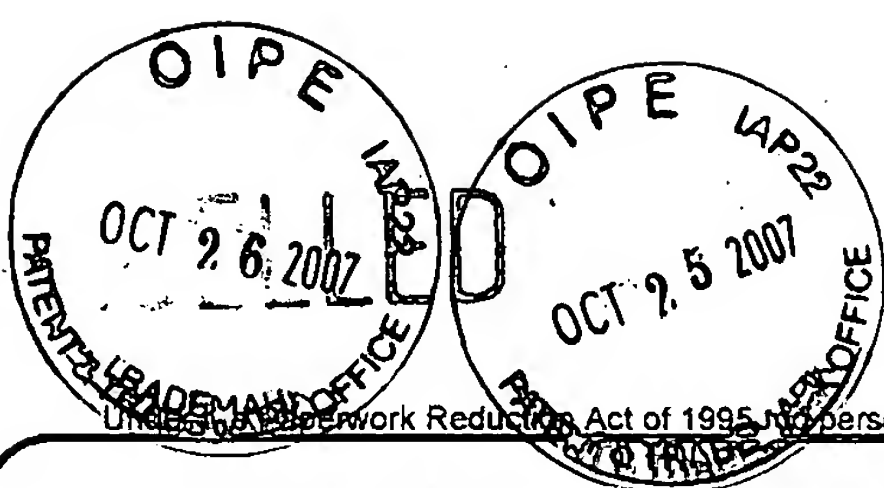
RESPECTFULLY SUBMITTED,

25 October 2007

Date



Heinz D. Grether
Reg. No.: 34,611
Tel.: 512-750-5847
hgrether@g2techlaw.com



PTO/SB/82 (09-04)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/603,581
Filing Date	06/24/2003
First Named Inventor	Gould, Eric J.
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	MNKYP004B

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

37,141

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

37,141

OR


<input checked="" type="checkbox"/> Firm or Individual Name	Forkort Grether + Kelton LLP				
Address	8911 N. Capital of Texas Highway Suite 3200				
City	Austin	State	TX	Zip	78759
Country	USA				
Telephone	512-279-3100	Fax	512-279-3101		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name	Eric Gould Bear, CEO, MONKEYmedia, Inc.		
Date	4-15-5	Telephone	425-881-5864

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)

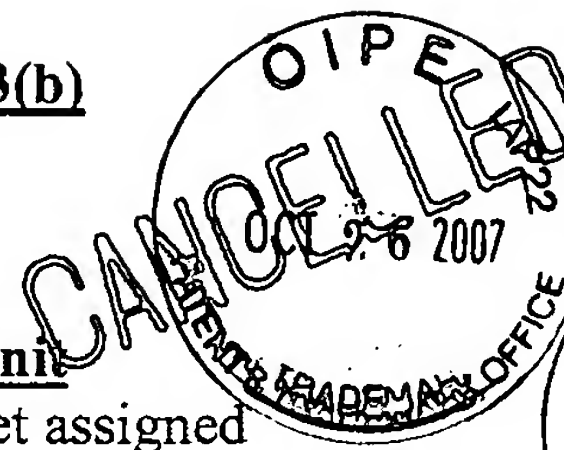
Applicant/Patent Owner: MONKEYmedia, Inc.

Patent App. No.
10/603,581

Filed
06/24/2003

Examiner
Not yet assigned

Art Unit
Not yet assigned



Attorney Docket No.: MNKYP004B

MONKEYmedia, Inc.

(Name of Assignee)

Corporation

Type of Assignee, e.g. corporation, partnership, university, etc.

states that it is:

☒ the assignee of the entire right, title, and interest; or

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignments were recorded in the United States Patent and Trademark Office, for which copies thereof are attached hereto.

OR

B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____, or for which a copy thereof is attached.

☒ Copies of Assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Eric Gould Bear
Printed or Typed Name

425-881-5864
Telephone Number

CEO
Title



UNITED STATES PATENT AND TRADEMARK OFFICE

CANCELLED

OCT 2 5 2007

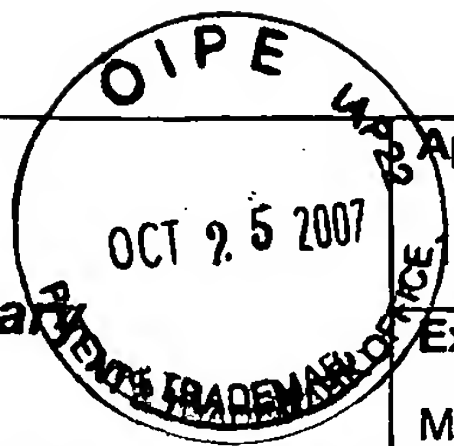
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,581	06/24/2003	Eric Justin Gould	MNKYP004B	4880
28875	7590	06/15/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			MEKY, MOUSTAFA M	
			ART UNIT	PAPER NUMBER

2157

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,581

Applicant(s)

GOULD ET AL.

Examiner

Moustafa M. Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19, 7/15, 7/29, 8/16, 12/17/2004
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. Claims 20-107 are presenting for examination.
2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.


Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 20-107 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,615,270. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent 270 teaches substantially the claimed limitations.
4. Claims 20-107 would be allowed once the terminal disclaimer is received.
- 4.1. The prior art of record does not teach:
 - Providing an expansion link from one segment to an expansion segment, and displaying second stored content of the expansion segment if a content expansion is selected, wherein the displayed second stored content forms a continuity with the displayed first stored content of the one segment (claims 1, 63, 88, 100);
 - Providing an expansion link from an expansion decision point to expansion segment , and displaying the expansion segment if content expansion is selected, wherein the displayed expansion segment is seamless with at least one segment (claim 45).
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMM
6/12/2006


MOUSTAF A M. MEKY
PRIMARY EXAMINER